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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/631,256	07/31/2003	Prakairut Tarlton	CML01259H	1617
<div><div>759012/27/2007</div><div>JAMES A. LAMB Motorola, Inc. - Law Department 1303 E. Algonquin Road Schaumburg, IL 60196</div></div>				
<div>EXAMINER KNEPPER, DAVID D</div>				
<div>ART UNITPAPER NUMBER</div> <div>2626</div>				
<div>MAIL DATEDELIVERY MODE</div> <div>12/27/2007PAPER</div>				

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<div style="border: 1px solid black; width: 150px; height: 20px; margin: 0 auto;"></div> <p style="text-align: center;">Office Action Summary</p>	Application No.	Applicant(s)	
	10/631,256	TARLTON ET AL.	
	Examiner	Art Unit	
	David D. Knepper	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Applicant's correspondence filed on 8 Oct 2007 has been received and considered.

Claims 1-16 are pending.

Title

2. The title is objected to because it is not very description of the applicant's inventive concept.

Priority Claims

3. The applicant(s) should check their filing receipts and/or the Patent Application Information Retrieval (PAIR) system for the acknowledgment of their **domestic** priority or benefit claims (if any) under 35 USC 119(e), 120 or 121 (37 CFR 1.78).

Claims

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-6, and 8-16 are rejected under 35 U.S.C. § 103 as being unpatentable over Brittan (7,062,440).

As per claim 1, "a spoken language system" is taught or suggested by his speech system, abstract and figures 1 and 4:

"generating a recognized sequence of words" (his speech recognizer 5, fig. 1);

“assigning a confidence score to each word” (suggested by his confidence action controller 43); and

“adjusting nominal acoustical properties of words in a presentation” (his confidence action controller where it detects a sufficiently low confidence score... having a pause inserted...change synthesis engine, col. 10, line 64 – col. 11, line 36).

It is noted that Brittan does not explicitly teach “confidence score to each word”. However, he teaches that his system will operate such that it will insert pauses in front of certain words. It would have been obvious for a person having ordinary skill in the pertinent art, at the time the invention was made, to apply the confidence score to words because Brittan teaches that it is well known to apply changes to words as noted above.

Claims 2, 3-5, 8-12: See above where Brittan teaches “interword pause” with his pauses in front of certain words. See claim 1 above where he teaches “low confidence score”.

Claim 6, 13-15: Varying duration based on “corrective response” is taught in col. 7, lines 27-35 where he may insert pauses or rephrase the current concept indicating that it is obvious to perform variety of changes.

Claim 16: It is noted that Brittan does not explicitly teach “a radio transciever”. However, he teaches in col. 1, line 45 that it is known to use such a system in the context of a telephone call. Thus, it would have been obvious to include radio transceivers commonly used in telephone related applications such as cellular telephones.

The applicant’s arguments on page 6 that Brittan “does not suggest attaching a confidence score to each and every word” is not convincing. To the contrary, Brittan refers to speech as comprising a variety of known components for analysis including: pronunciations for

each of the words in the text, col. 5, lines 7-8; tags the individual words and phrases in the sentences to construct a syntactic representation, col. 5, lines 15-16; abbreviations and alternative pronunciations of words, col. 6, lines 19-21; phoneme-to-phoneme transitions...The number and size of the units selected, col. 6, lines 35-38; and choose one or more alternative words for the previously determined phrasing of the current concept, col. 7, lines 27-28. Thus, it would have been clear to one of ordinary skill in the art that an utterance can be divided into a variety of known speech elements to include words, phrases, phonemes and a variety of alternatives which may be combined in various ways to form a concept. He uses the term concept to allow alternatives, not to exclude them. Therefore, the applicant's interpretation is considered at odds with definitions and understanding of concepts that one of ordinary skill in the art would not only understand but could easily interpret from reading Brittan.

The applicant's argument on page 7 about "placing a confidence score on each and every word" apparently is in regard to the claimed "assigning a confidence score to each word in the recognized sequence of words." This argument is misplaced because the rejection is obviousness rather than anticipation. Brittan clearly teaches that it is known to allow choices for phrases and the size of speech units. Since words are common speech units that can form a concept, it would have been obvious that the confidence score that Brittan teaches can be applied to words.

6. Claim 7 is rejected under 35 U.S.C. § 103 as being unpatentable over Brittan (7,062,440) as applied to claims 1-6 above and further in view of Takagi (6,205,420).

It is noted that Brittan does not explicitly teach "duration of a button press" to vary speed or duration. However, Takagi teaches that it is known to instantly change the speed of speech in

a variety of audio devices (col. 7, lines 44-67) many of which would inherently include manual controls such as buttons, keyboards, etc. It would have been obvious to combine this feature because both systems of Brittan and Takagi could be performed by computers which commonly include keyboards and other buttons.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

8. Some correspondence may be submitted electronically. See the Office's Internet Web site <http://www.uspto.gov> for additional information.

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

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Application/Control Number:
10/631,256
Art Unit: 2626

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The Central fax number is 571-273-8300. Please label INFORMAL" or "DRAFT" communications accordingly.

Mail Stop should be omitted if none is indicated.

Effective 14 January 2005, except correspondence for Maintenance Fees, Deposit Accounts (see 37 CFR 1.25(c)(4)), and Licensing and Review) see 37 CFR 5.1(c) and 5.2(c)), please address correspondence delivered by other delivery services (i.e. – Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolater, etc.) as follows:

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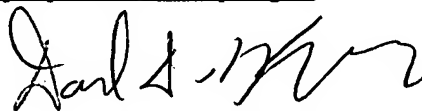
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Knepper whose telephone number is (571) 272-7607.

The examiner can normally be reached on Monday - Thursday from 8:00 a.m.-6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth, can be reached on (571) 272-7843.

For the Group 2600 receptionist or customer service call (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) between the hours of 6 a.m. and midnight Monday through Friday EST, or by email at ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.



David D. Knepper
Primary Examiner
Art Unit 2626